

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02- *R*-1530

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$185.05 IN SETTLEMENT OF THE CLAIM OF
PATRICK MICHAEL AND MARIA J. KOTORA, AGAINST
THE CITY OF ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, PATRICK MICHAEL AND MARIA J. KOTORA, have filed a claim against the City of Atlanta seeking damages arising from vehicular damages sustained on September 25, 2001 at Peachtree Road near Piedmont Road; and

WHEREAS, the claimant damaged her vehicle when she struck a sewer manhole that was in the process of being raised; and

WHEREAS, the claimants have asserted damages in the amount of **\$185.05**, and have agreed to accept this sum in full and complete satisfaction and settlement of their claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **PATRICK MICHAEL AND MARIA J. KOTORA** be settled for the sum of **\$185.05**; and

WHEREAS, this claim was previously adversed by City Council July 9, 2002.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution 02-R-1207 be hereby rescinded.

BE IT FURTHER ADVISED that **\$185.05** be paid by the City of Atlanta in satisfaction of any and all claims **PATRICK MICHAEL AND MARIA J. KOTORA** may have stemming from damages sustained as a result of a vehicular incident that occurred at Peachtree Road near Piedmont Road on September 25, 2001.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number **2J01/529017/T31001**.

A true copy,

Ronda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 16, 2002
SEP 24, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0442

Date: 06/26/02

Claimant /Victim PATRICK MICHAEL AND MARIE J. KOTORA

BY: (Atty) _____

Address: 1160 Windsor Parkway # 13 Atlanta, Georgia 30319

Subrogation: _____ Claim for Property damage \$ 185.05 Bodily Injury \$ _____

Date of Notice: 09/29/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/25/01 Place: Peachtree Road near Piedmont Road

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant's allege their vehicle was damaged when it was driven over a pothole in the roadway. In an investigation it was determined that the City failed to raise a sewer manhole cover to grade causing damages to claimants' vehicle in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant X Other _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other X Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

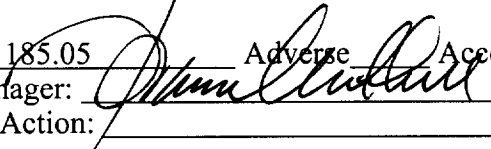
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 185.05 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 08-29-02

Committee Action: _____ Council Action _____

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
 02-R-1589; 02-R-1540; 02-R-1542
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		09/16/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1453	43. 02-R-1509	45. 02-R-1502
2. 02-O-1586	44. 02-R-1510	46. 02-R-1503
3. 02-O-1496		47. 02-R-1504
4. 02-O-1389		48. 02-R-1505
5. 02-O-1390		49. 02-R-1506
6. 02-O-0791		50. 02-R-1511
7. 02-O-1258		51. 02-R-1512
8. 02-O-1298		52. 02-R-1513
9. 02-O-1391		53. 02-R-1514
10. 02-O-1395		54. 02-R-1515
11. 02-O-1450		55. 02-R-1516
12. 02-R-1535		56. 02-R-1517
13. 02-R-1541		57. 02-R-1518
14. 02-R-1546		58. 02-R-1519
15. 02-R-1526		59. 02-R-1520
16. 02-R-1527		60. 02-R-1521
17. 02-R-1528		61. 02-R-1522
18. 02-R-1529		62. 02-R-1523
19. 02-R-1530		63. 02-R-1524
20. 02-R-1531		64. 02-R-1525
21. 02-R-1532		
22. 02-R-1560		
23. 02-R-1561		
24. 02-R-1615		
25. 02-R-1563		
26. 02-R-1564		
27. 02-R-1565		
28. 02-R-1566		
29. 02-R-1568		
30. 02-R-1569		
31. 02-R-1570		
32. 02-R-1572		
33. 02-R-1573		
34. 02-R-1574		
35. 02-R-1487		
36. 02-R-1533		
37. 02-R-1557		
38. 02-R-1558		
39. 02-R-1559		
40. 02-R-1616		
41. 02-R-1507		
42. 02-R-1508		

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

02-2-1530

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MARIA J. KOTORA AGAINST THE
CITY OF ATLANTA AND FOR
OTHER PURPOSES

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

- ☐ CONSENT REFER SEP 16 2302
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER COUNCIL
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>PSUA</i>	Committee
Date <i>9/16/02</i>	Date
Chair <i>[Signature]</i>	Chair
Action: <i>(Fav)</i> Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <i>Carla Smith</i> <i>Stephen Anthony</i> <i>Clarence Jones</i> <i>[Signature]</i> <i>[Signature]</i> <i>[Signature]</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
SEP 16 2002
Catherine W. Woodard
CITY CLERK

CERTIFIED
SEP 16 2002
Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
SEP 24 2002
MAYOR